

1  
2  
3  
4  
5  
6  
7  
8  
9  
10 UNITED STATES DISTRICT COURT  
11 WESTERN DISTRICT OF WASHINGTON  
12 AT TACOMA

13 THOMAS RICHEY,

14 Plaintiff,

15 v.

16 WILLIAM LANE,

17 Defendant.  
18  
19

No. 09-5195 FDB

ORDER ADOPTING REPORT AND  
RECOMMENDATION AND  
REMANDING THIS ACTION TO  
SUPERIOR COURT

20  
21 The Magistrate Judge recommends that this prisoner civil rights action be remanded to  
22 the state court as Plaintiff has deleted all federal claims and considerations of comity make  
23 remand appropriate. The Defendant has not filed an objection to the Report and  
24 Recommendation.

25 The Court, having reviewed the Report and Recommendation of Magistrate Judge J.  
26 Richard Creatura, and the remaining record, does hereby find and ORDER:  
ORDER ADOPTING REPORT AND RECOMMENDATION- 1

- (1) The Court adopts the Report and Recommendation;
- (2) This action is remanded to Grays Harbor Superior Court given that the amended complaint contains no federal issues and Plaintiff may not again amend the complaint without leave of court.
- (3) The Clerk is directed to send copies of this Order to Plaintiff, counsel for Defendant and to the Hon. J. Richard Creatura.
- (4) Further, the Clerk is directed to take the steps needed to remand this action to Grays Harbor Superior Court.

DATED this 29<sup>th</sup> day of June, 2009.



FRANKLIN D. BURGESS  
UNITED STATES DISTRICT JUDGE